

AMENDED IN ASSEMBLY APRIL 20, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1263

Introduced by Assembly Member Yee

February 22, 2005

An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1263, as amended, Yee. Barbering and cosmetology: equipment.

Under existing law, the Barbering and Cosmetology Act, the State Board of Barbering and Cosmetology licenses and regulates persons engaged in the practice of barbering and cosmetology, and makes a violation of the act a misdemeanor. Existing law requires an establishment in which cosmetology is practiced to be licensed by the board.

This bill would require the board to adopt regulations on or before January 1, 2007, that set forth standards and requirements for the use of ~~whirlpool~~ pedicure ~~foot~~ equipment. The bill would require these standards to be kept current with specified state and federal agency standards. ~~The bill would require the board to develop health and safety standards to ensure individuals remain competent to practice manicure and pedicure services.~~ The bill would also require the board to establish penalties, *including remediation requirements*, for violations of ~~these health and safety~~ regulations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Due to the recent outbreaks of serious infections
2 and the lack of standards for the proper disinfection of pedicure
3 equipment in California, it is imperative that the safety of
4 manicure, pedicure, and all nail salon customers be assured. This
5 can only be accomplished by the adoption of regulations that will
6 not only require, but will also ensure that proper safety
7 requirements are followed.

8 SEC. 2. Section 7350.1 is added to the Business and
9 Professions Code, to read:

10 7350.1. (a) The board shall adopt regulations on or before
11 January 1, 2007, that set forth standards and requirements for the
12 use of ~~whirlpool pedicure foot~~ *pedicure* equipment that do all of
13 the following:

14 (1) Establish minimum safety specifications for ~~whirlpool~~
15 ~~pedicure foot~~ *pedicure* equipment. ~~The board may consider~~
16 ~~safety specifications on all electrical equipment used in all salons~~
17 ~~providing manicure and pedicure services to be approved and~~
18 ~~certified by Underwriters Laboratories, Inc. or Canadian~~
19 ~~Standards Association.~~

20 (2) Require the use of disinfectants registered at a level for
21 instrument disinfection by the federal Environmental Protection
22 Agency.

23 (3) Establish procedures to ensure the proper and safe
24 operation of pedicure ~~foot spas~~ *spa equipment*.

25 (4) Establish proper protocols for disinfecting all multiuse
26 tools and equipment between patrons in all salons providing
27 manicure and pedicure services. The time of contact shall be 10
28 minutes and the disinfection shall be by complete immersion on
29 nonporous items such as, but not limited to, cuticle nippers,
30 pushers, electric file bits, and nail files.

31 (5) All equipment that holds water for pedicures, including
32 whirlpool spas, ~~pipe-less~~ *pipeless* whirlpool spas, footbaths,
33 basins, tubs, sinks, and bowls shall be cleaned of all visible
34 debris and residue after use of each patron, and then disinfected
35 by circulating, where applicable, or to remain in wet contact with

1 all surfaces of the pedicure appliance or equipment, regardless of
2 mechanical configuration, the correct dilution of disinfectant
3 through the unit for 10 minutes. Automated systems for cleaning
4 and disinfecting in accordance with this provision are acceptable
5 and preferred. ~~Where applicable, the disinfectant is to remain in~~
6 ~~wet contact with all surfaces of the pedicure appliance and~~
7 ~~pedicure equipment, regardless of the mechanical configuration..~~

8 (6) If the appropriate technology is available, establish
9 minimum safety specifications and other requirements for the
10 manufacture of new whirlpool pedicure equipment and the
11 modification of existing whirlpool equipment ~~to ensure that the~~
12 ~~proper disinfectant is used for the appropriate duration..~~

13 (7) Establish accountability procedures and notification
14 requirements to customers that proper cleaning and disinfection
15 procedures have been followed on all multiuse tools and
16 equipment prior to providing any manicure and pedicure salon
17 service.

18 (b) The board shall keep disinfection standards and protocols
19 current with standards set by the State Department of Health
20 Services, the United States Environmental Protection Agency,
21 *and the* United States Centers for Disease Control and
22 Prevention, ~~and the Association for Professionals in Infection~~
23 ~~Control and Epidemiology..~~

24 ~~(c) The board shall develop health and safety standards and~~
25 ~~measures for assuring individuals remain competent to practice~~
26 ~~manicure and pedicure services and to require remediation for~~
27 ~~those who do not meet the established standards.~~

28 ~~(d)~~

29 (c) (1) The board shall also establish, pursuant to Section
30 125.9, penalties, *including remediation requirements*, for
31 licensees and establishments that violate *health and safety*
32 ~~regulations adopted pursuant to this section.~~

33 (2) The board shall conspicuously display a notice in a
34 violators place of business or employment if any or all of the
35 following occurs:

36 (A) The board has revoked, suspended, or denied a license to
37 operate a nail salon or pedicure foot spa.

- 1 (B) The board has assessed a fine or penalty, has issued a
- 2 citation, or taken other disciplinary action against an operator of
- 3 a nail salon or pedicure foot spa.

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